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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,466	03/16/2004	Mark D. Andrews	ANDREW-44045	3995

26252 7590 02/02/2005

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EXAMINER

HOESLY, RYAN C

ART UNIT PAPER NUMBER

3727

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,466

Applicant(s)

ANDREWS ET AL.

Examiner

Ryan C. Hoesly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both inwardly projecting ribs and upper aperture. Page 7, line 30 of the specification refers to "upper and lower apertures 24 and 46," however, the specification and the drawing refer to the inwardly projecting ribs as being denoted by reference character "24." The figures denote the upper aperture with reference character "44." Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b), are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 7, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakefield (US Patent Number 5745565). Wakefield teaches a combination cup and cellular phone holder (10) that includes a beverage holder (2) and phone holder (3). In regards to claims 1 and 10, the introductory statement of intended use has been carefully considered but deemed not to impose any structure on the claims distinguishable over that shown by Wakefield, which is fully capable of being uses as claimed. It is of a size and shape and has the necessary means to be capable of performing the function of anchoring a golf ball within a golf ball holding compartment of a golf cart that are sized to receive the anchor disclosed by Wakefield as well as releasably holding an electronic device. Alligator clips are a versatile means of attachment for cell phones and are capable of being releasably attached to the electronic device holder disclosed by Wakefield.

4. With regards to claims 2 and 11, the beverage holder that Wakefield discloses is an anchor that is placed in a compartment, which is inherently capable of cradling golf balls.

5. With regards to claim 7, the cellular phone holder is a holster that is inherently capable of receiving a clip of an electronic device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US Patent Number 6193120) in view of Willison et al (US Design Patent Number D438536). Chang teaches a waist-secured golf ball retainer that includes a ball cup (30) with a slot at the bottom (31) and inwardly projecting ribs (34) adapted to frictionally engage the ball. The ribs project through slots (33) in the sides of the ball retainer where the ball would partially extend through when displacing the ribs for a frictional fit. Chang also discloses a storage groove (42) that is capable of receiving discs such as those used for electronic device swivel clips. The ball retainer of the Chang device is semi-spherical and designed to cradle a golf ball due to similar dimensions of a golf ball, which would also inherently allow it to fit in a golf ball holding compartment in a golf cart that is designed to frictionally fit objects approximately of the size and shape of a golf ball.

8. Willison discloses a cellular phone holder that includes a holster with spaced apart upper and lower apertures adapted to receive a portion of an alligator clip as well as an open ended slot formed in the face adapted to receive a swivel clip.

9. The cellular phone holder disclosed by Willison has an upper and a lower aperture with an open ended slot capable of receiving a disc shaped swivel clip much like the storage slot of Chang. The upper and lower apertures of Willison

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are larger and allow more adaptability than those of Chang, but the structures of the holders are nearly identical. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the storage slot of Chang as in the technology of Willison to give the storage slot more adaptability.

10. With regards to claims 1 and 10, the Chang device in view of the Willison device is capable of serving as an anchor inserted into a golf ball holding compartment of a golf cart with an electronic device holster that serves as means for releasably receiving a clip of an electronic device projecting outward from the anchor portion.

11. With regards to claims 2-6 and 11-15, the Chang device in view of the Willison device has an anchor that is semi-spherical, has a slot in the bottom portion, and has inwardly projecting ribs that project out of slots through which a ball could partially extend. Additionally Chang discloses in the prior art that the side slots could be larger than simply following the outline of the inwardly projecting ribs in order to minimize material usage.

12. With regards to claims 7-9 and 16-21, the applicant discloses that preferred method of holding an electronic device is a device with upper and lower apertures adapted to receive a portion of an alligator clip and an open-ended slot formed in the face adapted to receive a swivel clip. The Willison device discloses this exact structure and when applied to the similar Chang device in place of the disclosed storage slot, the electronic device holster projects from the golf ball holder that is of a size and shape to allow it to be inherently capable of serving as an anchor that can frictionally fit within a golf ball holding compartment in a golf

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cart. As stated above, the ball cups of the Chang device are semi-spherical cradles that have a slot on the bottom that the ball partially extends through and slots on the side that the ball partially extends through when displacing the inwardly projecting ribs that frictionally engage the golf ball when combined with the ball cups.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record is located in the Notice of References Cited (PTO Form-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (571)-272-6083. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (571) 272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Stephen K. Cronin
Primary Examiner